

REMARKS

As an initial matter, Applicant thanks the Examiner for the courtesies extended during the telephone interview conducted between the Examiner and the undersigned on May 10, 2006.

Claims 1-12 were pending in the subject application, with claim 13 having previously been canceled, without prejudice or disclaimer. By this Amendment, claims 1 and 9 have been canceled, without prejudice or disclaimer, new independent claims have been added to replace now-canceled claims 1 and 9, and claims 2-8 and 10-12 have been amended to depend from, and conform with, new claims 14 and 15. Accordingly, claims 2-8, 10-12, 14 and 15 are now pending in the subject application, with claims 14 and 15 being in independent form.

Support for new claims 14 and 15 can be found in the application at, for example, page 8, lines 10-21 and page 9, lines 4-16. Additional support for new claims 14 and 15 can be found in Fig. 3.

Applicant maintains that no new matter is presented by this amendment. Accordingly, Applicant respectfully requests that this Amendment be entered.

Rejection Under 35 U.S.C. §102(e)

On Page 3 of the November 16, 2005 Office Action, claims 1-12 were rejected under 35 U.S.C. §102(e) as purportedly anticipated by U.S. Patent No. 6,374,289 to Delaney et al.

Regarding claims 1 and 9, the Examiner stated that Delaney discloses a method for efficiently exploiting an upstream channel bandwidth of full-duplex connection between a user and data

network (Fig. 2B) comprising: providing a coordination center for registering the location of data entities distributed among users over said data network (e.g. each peer client capable of tracking the data package location and storing the package location in the hash tables; downloading one or more data entities from said network by at least one user and storing said data entity storage device of said at least one user for a predetermined period of time for further use (e.g. each peer client capable of downloading data from other peer nodes and storing the data for serving to other peer clients; registering the location(s) of the downloaded data entities in said coordination center (e.g. client capable of building the hash tables with respect to future attempts to locate a data package; whenever said coordinating center receives from on or more of other users one or more requests for said downloaded data entities, redirecting said other users to said location(s); and re-transmitting said downloaded data entities to said other users through said upstream channel bandwidth of said at least one user.

Regarding claim 2, the Examiner stated that Delaney further discloses the re-transmission of said received data to said other users is carried out during download time.

Regarding claim 3, the Examiner stated that Delaney further discloses the re-transmission the information of received data to said the other users is carried out after download time.

Regarding claims 4 and 11, the Examiner stated that Delaney further discloses receiving said data by said user, storing said received data on said user's computer system and re-transmitting said data from the user's location to said other users through said upstream channel bandwidth in response to a request or

according to pre-defined operation instructions (e.g. Delaney's invention teaches the client capable of receiving and storing the package data and distributing the same package data to other peer clients who requested it.

Regarding to claims 5 and 12, the Examiner stated that Delaney further discloses receiving data on said user's computer system, causing said received data to be re-transmitted through said upstream channel bandwidth from said user to a first group of one or more other users, causing said received data to be re-transmitted through said upstream channel bandwidth from said first group of users to a further group of one or more other users, and repeating step (c) for all said users requesting the same said data.

Regarding claim 6, the Examiner stated that Delaney further discloses data is transmitted to said user from a plurality of other users.

Regarding claim 7, the Examiner stated that Delaney further discloses the transmission of data from a user to one or more other user(s) is carried out with delay.

Regarding claim 8, the Examiner stated that Delaney discloses receiving data on said user's computer system, re-transmitting said received data through said upstream channel bandwidth to a dedicated server for storage, and retrieving said stored data from said dedicated server for other purposes.

Regarding claim 10, the Examiner stated that Delaney further discloses the coordination center comprises storage means and software/hardware component for storing information related to

the data passes through the network and for data retrieval.

Applicant maintains that new independent claims 14 and 15 are allowable over Delaney because Delaney fails to disclose or suggest the claimed invention.

The present application is directed to improved techniques for efficiently exploiting an upstream channel bandwidth of full-duplex connection between user terminal and data network. More specifically, new independent claims 14 and 15 are directed to an approach discussed in the application wherein a coordination center is provided to monitor data files downloaded by user terminals over the data network and maintain a register of the locations and file identifier of each of the downloaded data files amongst the user terminals, and when a request for a data file is received by the coordination center from a first user terminal, the coordination center determines whether a location of the requested data file is registered in the register, and if registered, determines a second user terminal corresponding to the registered location of the requested data file, and sends an instruction from the coordination center to the second user terminal to send the requested data file to the first user terminal through the upstream channel bandwidth of the second user terminal.

Delaney does not disclose or suggest providing such a coordination center.

Delaney, as understood by Applicant, is directed to data package distribution amongst a plurality of peer clients connected to each other through a data network. Each peer client maintains two hash-tables which contain information about data package

location, including a local-data packages table and a network-data packages table. The local-data packages table is a hash-table of data packages which reside on the storage medium or media of the peer client itself. The network-data packages table is a hash-table of data packages which reside on the storage medium or media of other clients on the local network. In order to maintain the tables, the peer client must monitor transfers of data packages across the network.

In contrast, the claimed invention of independent claims 14 and 15 of the present application provides that a coordinate center is provided for a group of user terminals and only the coordination center needs to monitor transfer of data files across the network and register the location and file identifier of the transferred data files. This is more efficient than having each user terminal monitor data file transfers by others across the network and/or having the user terminals communicate amongst themselves to determine which terminal has downloaded which data package and having each user terminal maintain its own list of locations of downloaded data packages, as taught by Delaney.

Applicant does not find teaching or suggestion in Delaney of providing a coordination center to monitor data files downloaded by user terminals over the data network and maintain a register of the locations and file identifier of each of the downloaded data files amongst the user terminals, wherein when a request for a data file is received by the coordination center from a first user terminal, the coordination center determines whether a location of the requested data file is registered in the register, and if registered, determines a second user terminal corresponding to the registered location of the requested data

file, and sends an instruction from the coordination center to the second user terminal to send the requested data file to the first user terminal through the upstream channel bandwidth of the second user terminal, as provided by the claimed invention of independent claims 14 and 15 of the present application.

Regarding claims 2-8, Applicant respectfully points out that claims 2-8 depend on and include all the limitations of claim 14. Thus, claims 2-8 are patentable at least for the reasons set forth above with respect to claim 14.

Regarding claims 10-12, Applicant respectfully points out that claims 10-12 depend on and include all the limitations of claim 15. Thus, claims 10-12 are patentable at least for the reasons set forth above with respect to claim 15.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §102(e).

In view of the amendments to the claims and remarks hereinabove, Applicant maintains that the pending claims are now in condition for allowance. Accordingly, Applicant earnestly solicits the allowance of the application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicant's undersigned attorneys invites the Examiner to telephone them at the telephone number provided below.

No fees, other than the \$510.00 fee for the three-month extension of time, are deemed necessary in connection with the filing of this Amendment. However, if any additional fees are required,

Nir Ben-Zvi
Serial No.: 09/704,435
Filed: November 2, 2000
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Dkt. 63512/JPW/PT

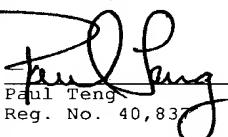
authorization is hereby given to charge the amount of any such fees to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Paul Teng
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May 12, 2006
Date